

U.S. BANKRUPTCY COURT
District of South Carolina

Case Number: **18-05823-dd**

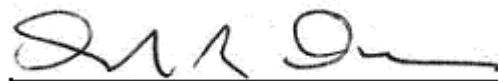
Consent Order

The relief set forth on the following pages, for a total of 3 pages including this page, is hereby ORDERED.

FILED BY THE COURT
06/24/2019



Entered: 06/24/2019



David R. Duncan
Chief US Bankruptcy Judge
District of South Carolina

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF SOUTH CAROLINA**

In re:)	
)	Case No. 18-05823-dd
)	Chapter 7
Lather Construction, Inc.)	
)	
Debtor.)	
)	
)	
)	

CONSENT ORDER GRANTING RELIEF FROM AUTOMATIC STAY

This matter comes before the Court upon the request and motion of Richard and Rebecca Dreier, Yolanda Dreier, Jacob and Carla Emerson, John B. and Lori Gecy, Aaron and Stasha Grooms, Adam Grooms, AvaRae Hall, Michael and Cheyenne Johnson, Kenny and Kelsey Lopez, Dylan and Samantha Machado, Marvin and Maryalice Mamaril, Cory McDaniel, Thomas and Melissa McFeely, Michael and Karen Rodriguez, Sarmed and Jessica Shafi, James and Alayshia Smith, and Nicole Versteegen. (“Movants”), and D.R. Horton, Inc. for relief from the automatic stay applicable to this action for the purposes of pursuing the Debtor’s insurance coverage regarding claims asserted by the Movants and claims for contractual and equitable indemnity that will be asserted by D.R. Horton, Inc. in a lawsuit filed against the Debtor, and others, in the Court of Common Pleas for Beaufort County, Case No. 2018-CP-07-00911 (“State Action”). Movants and D.R. Horton, Inc. merely seek to pursue claims against the Debtor’s insurance coverage and do not desire to pursue deficiency claims against Debtor or its assets. The Court finds that the parties consent to allow the Court to grant the motion for relief from the automatic stay.

NOW, THEREFORE, with the consent of Counsel for the Debtor and the Chapter 7 Trustee, it is ORDERED that the request and motion to lift the automatic stay is granted, and the Movants and D.R. Horton, Inc. are permitted to pursue the State Action claims against Debtor, for purposes of pursuing recovery under the Debtor’s liability insurance coverage.

WE SO MOVE:

BEN TRAYWICK LAW FIRM, LLC

/s/Alexandra Scott Williams

Benjamin A.C. Traywick (Fed ID No. 9818)

Alexandra Scott Williams (Fed ID No. 12641)

BEN TRAYWICK LAW FIRM, LLC

171 Church Street, Suite 340

Charleston, SC 29401

P: 843-872-1709

F: 843-695-7839

ben@bentraywicklaw.com

ali@bentraywicklaw.com

Markham Law Firm, LLC

/s/Sean Markham

Sean Markham, Dist. I.D. # 10145

SC Bar # 70688

NC Bar # 54200

Attorney for Movant

P.O. Box 20074

Charleston, SC 29413-0074

Tel: 843-284-3646

Fax: 843-637-7499

sean@markhamlawsc.com

J. Olin McDougall, II, SC Bar # 6948

William Thomas Bacon, IV, SC Bar #72581

McDOUGALL LAW FIRM, LLC

PO Box 1336

Beaufort, SC 29901-1336

(843) 379-7000

lin@mlf.law

tom@mlf.law

Attorneys for the Plaintiffs

WE SO CONSENT:

/s/ Michelle Vieira

Michelle Vieira

Chapter 7 Trustee

P.O. Box 1480

Murrells Inlet, SC 29576

(843) 497-9800

trustee@chapter7.email

WE SO CONSENT:

/s/ D. Nathan Davis

D. Nathan Davis

Attorney for the Debtor

1470 Tobias Gadson, Suite 202

Charleston, SC 29407

(843) 571-4042

nathan@davislawsc.com

WE SO CONSENT:

/s/ Rory D. Whelehan

Rory D. Whelehan

Attorney for D.R. Horton, Inc.

South Carolina Bar No. 012915

District Court ID No. 7657

Whelehan Law Firm, LLC

200 North Main Street, Suite 301-D

Greenville, South Carolina 29601

Tel: (864) 908-3917

E-mail: rwhelehan@whelehanlaw.com

June 17, 2019; Charleston, South Carolina